

4 August 1976

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MEMORANDUM FOR THE RECORD

SUBJECT: Procedures for Covert Action Oversight by  
Senate Select Committee

1. Mr. Wells and the undersigned met on 3 August 1976 with Mr. Bill Miller, Chief of Staff of the Senate Select Committee on Intelligence (SSCI) to discuss the procedures the Committee desired to follow in carrying out its responsibility of oversight for covert action activity under Senate Resolution 400. Mr. Miller had brought along the attached outline which was discussed in detail. Mr. Wells stated that he felt we would have no problems with the procedure contained in the outline, with the minor exceptions and comments noted below. It was mutually agreed that there was no need for a written agreement between the Agency and the SSCI on this subject.

2. Mr. Wells requested, and Mr. Miller agreed, that the wording of "Step A" under notification would be amended to include the phrase "and CIA notification thereof." In other words, the Agency would notify the Committee as soon as possible after the Agency received from the White House notification that the President had made a Finding under Section 662. It was recognized that there could be some delay between the actual signing of the Finding and the Agency notification thereof. It was agreed that we would make such initial notification to the following individuals: first, Mr. Miller; if he were absent or unreachable, the Chairman of the Committee; if neither were reachable, the Vice-Chairman of the Committee.

3. Under "Step D" of each of the first three procedures listed in the outline, it was clarified that referral to other committees would be made only to members or staff members of the committees who had received similar notification under Section 662.

4. It was agreed that the DCI would first report the Finding and explain the program covered by the Finding to the Committee before the Committee would call on representatives of the State Department or other Executive branch persons for comment.

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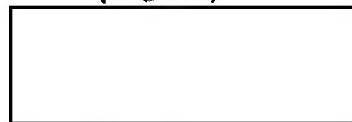
5. The provisions of Section II (a) of Senate Resolution 400 were reemphasized: that the notification and briefing of the Committee in no way gave the Committee veto over the implementation of the activity.

6. In discussion of the contingency reserve fund release notifications, we undertook to clarify the current arrangements under which this is already being done. The actual procedure now in effect provides that, within 48 hours of OMR approval of a reserve release, we will notify the appropriate committees. We will follow up this point by reminding Mr. Miller of this procedure.

7. In discussions of semi-annual status reports, Mr. Miller stated that he believed the question of "major" versus "minor" covert action programs could be handled by including in the semi-annual reports the details of minor activities on which individual Presidential Findings had not been made, and which thus would be reported to the Committee only in the aggregate. He also agreed that termination reports of minor activities would be covered only in the semi-annual reporting, whereas termination of major activities should be made as soon as feasible after the activity was terminated. Mr. Miller understood that the form of semi-annual status reports would probably be evolved after the Agency had worked out procedures for reporting covert actions to the OAG; he presumes that the formal reporting to the Committee will not be identical to that made to OAG.

8. The language of the final item in Mr. Miller's outline was discussed because of several ambiguities therein. There was no problem with "continual consultation" which was interpreted as periodic briefings by the Director or others if the need arose. We pointed out the sensitivity of "project files" and Mr. Miller agreed that the usual restrictions on sources and methods would continue to be accepted by the Committee. We also pointed out that "Operating Directives" were specific documents used by the Directorate and not what Mr. Miller explained he had in mind: regulations or intra-Agency directives affecting the use of certain categories of personnel or regulating certain types of operational activity. Mr. Miller said that the Committee would expect to be kept up-to-date on these latter regulatory issuances and we agreed this could be done.

(signed)



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